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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,271	03/10/2004	Glenn Algie	1585-27U (10.1875)	2945
31292 7590 11/08/2010 CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE, FL 33301				
EXAMINER				
NGUYEN, ANH NGOC M				
ART UNIT		PAPER NUMBER		
2473				
MAIL DATE		DELIVERY MODE		
11/08/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,271

**Applicant(s)**

ALGIE ET AL.

**Examiner**

Anh Ngoc Nguyen

**Art Unit**

2473

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/06/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 4, 6 - 10, 12 - 14 and 21 - 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 - 4, 6 - 10 and 12 - 14 is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☒ Claim(s) 4, 9, 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicants' Arguments/Remarks filed October 6, 2010 with respect to claims 1 – 4, 6 – 10, 12 – 14 and 21 – 26 have been considered.

Claims 1 – 4, 6 – 10 and 12 – 14 are allowed. Claims 21 – 26 are new and are addressed as set forth below. Claims 1 – 4, 6 – 10, 12 – 14 and 21 – 26 are pending.

**DETAILED ACTION**

***Claim Objections***

2. Claims 4, 9 and 10 are objected to because of the following informalities: the claims do not end with a period. Appropriate correction is required.

***Allowable Subject Matter***

3. Claims 1 – 4, 6 – 10 and 12 – 14 are allowed.

Independent claim 1 has been amended to incorporate the objected subject matter of dependent claim 5.

Independent claim 7 has been amended to incorporate the objected subject matter of dependent claim 11.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Patel et al. (US PN. 5,883,894).

Regarding claim 21, Patel discloses a method of providing an interface between a control system (see Fig. 1, 104) and each of a plurality modules (see Fig. 1, end stations 107-0 to 107-n-1...), the method comprising: negotiating with a module over a control path to determine an interface personality compatible with the module (see col. 2 lines 52 – 67 and col. 4 lines 30 – 40, implementing an auto-negotiation state machine in each of the ports 102-0 through 102 n-1 to resolve a mode of operation for each of the ports...therefore for identifying a mode of operation to be used for each of the ports...), the determined interface personality defining signal levels for communications with the module (see col. 1 lines 40 – 45, an auto-negotiation function which specifies physical layer signaling for 10 megabit per second and 100 megabit per second LAN technologies...); applying the interface personality to the module, such that the applied interface personality provides an appropriate interconnection between the control system and the module (see col. 2 lines 60 - 65, executing an auto-negotiation protocol for the selected port to resolve a mode of operation...see col. 4 lines 20 – 25, each of the end stations (or other network terminals) has a respective mode of operation according to the LAN technology...col. 4 lines 30 – 40 lines 60 – 63, implementing an auto-negotiation state machine in each of the ports...see col. 2 lines 65 - 67, col. 5 lines 18 - 22, changing the status of the selected port from unresolved to resolved...col. 4 lines 59 - 63, when the auto-negotiation function 200 completes resolving the mode of operation for a selected port, a DONE signal is supplied to the master state machine...note: by resolving the mode of operation, the auto-negotiation function has determined a mode that can be applied to the port...).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US PN. 5,883,894) in view of Lor (US PN. No. 7,355,970).

Patel discloses the claimed limitations as stated above. Patel does not disclose the following features: regarding claim 22, wherein determination of the interface personality is based on a time of day.

Regarding claim 22, Lor discloses wherein determination of the interface personality is based on a time of day (see col. 4 lines 50 – 58, col. 16 lines 6 – 20, with the help of the CPU, access control can also be enabled and disabled dynamically, based on time of the day, dates and other conditions...).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Patel, and have the features, as taught by Lor, in order to provide access control of switched data through a network switch that does not impede the processing of the data by that switch, as discussed by Lor (col. 2 lines 5 – 10).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US PN. 5,883,894) in view of Hsu et al. (US PN. No. 7,127,521).

Patel discloses the claimed limitations as stated above. Patel does not disclose the following features: regarding claim 23, wherein determination of the interface personality is based on a traffic load.

Regarding claim 23, Hsu discloses wherein determination of the interface personality is based on a traffic load (see abstract, col. 2 lines 55 – 60, col. 7 lines 30 - 40).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Patel with Hsu's teachings of monitoring load for supporting a plurality of link speeds and adjusting the settings of the network linking device according to the load of the network lining device in order to reduce power consumption in network lining systems, as discussed by Hsu (col. 2 lines 5 – 6 lines 55- 60).

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US PN. 5,883,894) in view of Chen et al. (US Pub. No. 2001/0032283).

Patel discloses the claimed limitations as stated above.

Regarding claim 24, Patel in view of Chen discloses further comprising, when negotiation fails, allowing a set of data path pins to float (see Patel: col. 5 lines 12 - 20, the master state machine includes an idle state 300...see Chen: para. 0036, pins 214 are left floating for the remaining chips...).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Patel, and have the features, as taught by Chen, in order to provide for a new and improved systems and methods for expanding the collision domain of

repeaters by integrating repeaters into a single collision domain without losing signal fairness, as discussed by Chen (para. 0014).

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US PN. 5,883,894) in view of Hsu et al. (US PN. No. 7,127,521) and further in view of Hurwitz (US PN. 5,884,041).

Patel and Hsu disclose the claimed limitations as stated above.

Regarding claim 25, Patel in view of Hsu and Hurwitz discloses further comprising, when negotiation fails, removing the module from service (see Patel: col. 6 lines 50 – 55, the unresolved state indicating that a mode of operation has not been resolved for the link on the corresponding port...see Hurwitz: col. 4 lines 1 – 5 lines 14 – 20 lines 60 – 65, when auto-negotiation fails, auto-negotiation complete may never become true or link status may never become good).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Patel and Hsu with Hurwitz's teachings of monitoring auto-negotiation progress in order to determine a degree of completion of the auto-negotiation process by the indication of codes that are successively stored in a progress memory, as discussed by Hurwitz (col. 1 lines 60 - 65).

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US PN. 5,883,894) in view of Hsu et al. (US PN. No. 7,127,521) and further in view of Dove (US Pub. No. 2003/0174726).

Patel and Hsu disclose the claimed limitations as stated above. Patel does not disclose the following features: regarding claim 26, wherein the negotiating comprises pin mapping.

Regarding claim 26, Dove discloses wherein the negotiating comprises pin mapping (para. 0003, 0018, 0022, assign pins 1 and 2 to the transmit pair, while pins 3 and 6 are for connection to a twisted pair...).

It would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the invention of Patel and Hsu with Dove's teachings of automatically switching media connections when operating in forced speed and duplex mode in order to provide a guaranteed connection between nodes regardless of the manufacturer or the model of the product that was being used, as discussed by Dove (see para. 0005).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Examiner's Note: Examiner has cited particular paragraphs, columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and, also to verify and ascertain the metes and bounds of the Claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ngoc Nguyen whose telephone number is (571) 270-5139. The examiner can normally be reached on M - F, from 7AM to 3PM (alternate first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on 5712723182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anh Ngoc Nguyen/  
Examiner, Art Unit 2473  
November 5, 2010

/KWANG B. YAO/  
Supervisory Patent Examiner, Art Unit 2473